

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

TONI OLIVER,

Plaintiff,

v.

McNEARNEY & ASSOCIATES, L.L.C.,  
et al.,

Defendants.

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Case No. 03-00594-CV-W-DW

**ORDER**

After a court-ordered mediation on November 20, 2003, the parties concluded a settlement of this case on November 26, 2003. See Doc. 14. Almost two years later, on September 22, 2005, this Court ordered that each party show cause why this case has not been dismissed. Doc. 18. McNearney states it has fully performed under the agreement, noting that Oliver admitted as much in a previous motion. See Docs. 19, 15. Defendant Fairbanks states it has fully complied with the agreement, and has repeatedly and unsuccessfully tried to contact Oliver regarding dismissal. See Doc. 20. Oliver does not respond to this Court's order to show cause. Therefore, the Court hereby

ORDERS that the above-captioned case is DISMISSED WITH PREJUDICE with each party to bear its own costs. Fed. R. Civ. P. 41(b).

SO ORDERED.

/s/ DEAN WHIPPLE

Dean Whipple  
United States District Judge

Date: October 14, 2005